

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

TROY ANTHONY SMOCKS, §
§
Plaintiff, §
§
v. § Case No. 4:22-cv-01028-ALM-KPJ
§
UNITED STATES OF AMERICA, §
§
Defendant. §

**UNITED STATES OF AMERICA'S RESPONSE TO PLAINTIFF'S REQUEST FOR
CLERK'S ENTRY *nihil dicit* DEFAULT JUDGMENT**

Comes now Defendant, the United States of America ("United States") and files this response to Plaintiff's Request Clerk's for Entry *nihil dicit* Default Judgment (Dkt. # 7.) In support thereof, the United States would show the Court as follows:

I.

On February 2, 2023, Defendant filed a motion for extension of time to file answer or otherwise plead to the Plaintiff's complaint (Dkt. # 5.) The motion has not been ruled on and an entry *nihil dicit* default judgment is premature.

WHEREFORE the United States respectfully requests that this Court deny Plaintiff's request for Clerk's entry *nihil dicit* default judgment.

Respectfully submitted,

BRIT FEATHERSTON
United States Attorney

/s/ James G. Gillingham

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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2023, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to those persons on the Court's electronic filing system.

/s/ James G. Gillingham

JAMES G. GILLINGHAM